

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-20, 27-45, and 52-82 are pending. Claims 21-26 and 46-51 have been canceled.

Amendments to the Claims

No new matter has been added by the present amendments. The claims reciting *Pseudomonas* exotoxin have been amended to identify the toxin more correctly as exotoxin A, as supported in the specification by, for example, page 46, lines 24-27.

Response to the Restriction

The Restriction Requirement (the "Restriction") imposes a four way restriction requirement on the claims of this application. Applicants elect Group I, claims 1-20, 38-45, 66-69, 81, and 82, with traverse.

The Restriction states that the special technical feature of claim 1 is an isolated antibody that binds to the stalk of CD30 left after proteolytic cleavage. The Restriction states that Lemke et al., WO 96/22384 teaches various antibodies to CD30 (the antibodies are identified as C10, HeFi-1, and M44), and that the sequence of the stalk, which the Restriction identifies as SEQ ID NO.:1, is missing from the sequence listing. The Restriction then states that it interprets the prior art antibodies as binding to the stalk of CD30, and thus that the technical feature that would otherwise unite the claims is not special.

Applicants respectfully note that the Restriction appears to be based on reading SEQ ID NO.:1 as the sequence of the stalk. SEQ ID NO.:1, however, is not the sequence of the stalk but rather is the sequence of CD30, which has been known and published in the scientific literature since 1992, as noted in the specification at page 14, paragraph 37, and which was also published in the patent literature before the priority date of the application. See, e.g., SEQ ID NO.:2 of Stein et al., U.S. Patent No. 5,866,372 (issued Feb. 2, 1999). It was not known,

however, that the cleavage of CD30 leaves a stalk proximal to the cell surface (see, specification at page 15, paragraph 38). Further, since the existence of a stalk was not known, it could not be known that antibodies that bind to the stalk are advantageous compared to antibodies that bind to other portions of the antigen. Applicants also respectfully note the binding site of at least one of the antibodies referenced by the Lemke reference was mapped in the course of the work embodied in the present disclosure. As can be seen from Figure 1, the binding site of the HeFi-1 antibody does not map to the stalk of CD30. Finally, for the Examiner's convenience, a substitute sequence listing and disk setting forth SEQ ID NO.:1 are being mailed contemporaneously with this Amendment.


Reconsideration and withdrawal of the Restriction is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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